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# CURRENT LICENSING ISSUES IN PSYCHOLOGY

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Washington State Examining Board of Psychology

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Summer 2003

## Board Chair Column

Dean Funabiki, Ph.D.,  
Board Chair,  
Examining Board  
of Psychology

The Board wishes to express its gratitude to those psychologists—listed elsewhere in this newsletter—who have served as *pro-tem* examiners for the January administration of the oral examination; as well as a big, “Thank you!” to those who served in a *pro-tem* role in disciplinary cases. Without their generous contribution of time and skill, the Board would not be able to conduct these important activities.

I am deeply saddened to report that just prior to the January examinations, *pro-tem* examiner Robbin W. Barksdale, Ph.D. suffered a heart attack and subsequently passed away. Dr. Barksdale had served numerous times as an examiner. His personability, intellect and skillful contribution to the oral examinations will be greatly missed. Our heartfelt condolences are extended to Dr. Barksdale’s family.

The Health Professions Quality Assurance (HPQA) office of the Department of Health has recently added a “Provider

Credential Search” component to the web page for the Board of Psychology. This provides the public, at this web location: [https://fortress.wa.gov/doh/hpqa1/Application/Credential\\_Search/Profile.asp](https://fortress.wa.gov/doh/hpqa1/Application/Credential_Search/Profile.asp), an opportunity to verify the licensing status of psychology practitioners. The web site offers a full range of other services, including information and forms for licensing, full-text presentation of relevant state laws, Board minutes and agendas, and the like. The web site should prove useful for both the public and psychologists.

The Examining Board of Psychology is pleased to welcome the newest member of the Board, Dr. Jorge Torres-Sáenz. Currently providing professional services to many underserved individuals in the agricultural Yakima Valley, Dr. Torres-Sáenz provides an important rural and cultural perspective for the Board. ◀

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## **Board Member Appointed By Governor Locke**

Dr. Jorge Torres-Sáenz was recently appointed by Governor Locke to serve on the Examining Board of Psychology. He currently works for the Yakima Valley Farm Workers Clinic. Dr. Torres serves many Hispanic Spanish-speaking migrant farm workers in that valley.

You can see his picture and information on his current duties in the June issue of APA's *Monitor*. He is featured there as a recipient of the National Student Loan repayment program.

Dr. Torres was born in Chicago, Illinois and moved with his family to Mexico City when he was 7 years old. He returned to this country after his 2<sup>nd</sup> year in college. He graduated from the University of Iowa and then went to the University of Houston to obtain a masters degree in Family Therapy. He later obtained his doctoral degree in

clinical psychology from the University of Denver in 1993. He brings vast clinical experience to this appointment, having worked the last 25 years in public and private settings, inpatient and outpatient with all age groups.

Dr. Torres also has lived in Los Angeles, California and Portland, Oregon. He is also licensed as a social worker in Texas and as a psychologist in the state of Oregon.

Dr. Torres lives with his wife, Aurora Peña-Torres, their son, Julián Torres-Peña and his two cats Joe Cool and Claire in Yakima. He enjoys being married, raising his child and playing the guitar and the piano.

We welcome Dr. Torres to the Board and look forward to his contributions as a bilingual bicultural psychologist! ◀

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## **Board Revises Oral Examination Schedule**

For many years now, the oral examination has been administered each January and July. These dates have not always been in sync with graduation and/or post-doctoral completion dates. Because of that, some candidates have had to wait several months to sit for the oral examination.

To make the examination more accessible, the Board added an additional administration in March 2004 and has moved the traditional July examination to September 2004. After that adjustment, the examination will be administered annually in March and September.

### **2004 Oral Examination Dates:**

January 9 & 10, 2004

March 26 & 27, 2004

September 10 & 11, 2004 ◀

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## Avoid A Licensing Complaint! Written Office Policy: You Probably Need More Than One

*Elizabeth, Robinson, PhD*

Washington State provides a psychologist with detailed guidelines for a written office policy statement for a therapy client. The guideline does not address the issue of the specific information that should be presented to an evaluation client when a third party requests a psychological assessment.

It behooves the psychologist to have a separate agreement form for evaluations, particularly when the assessment is done at the behest of a third party. This would include court-ordered evaluations, employer required assessment, evaluations for an attorney representing an individual in a personal injury suit, Department of Social and Health Services evaluations, or Labor and Industries evaluations just to name a few.

In cases where an employer or the court requires an evaluation the personal information the client provides is not protected as it is in the case of individual therapy. Often, the client cannot change his mind and prohibit the release of confidential information if he does not like the results of the assessment.

When a third party requires an evaluation, that party becomes the psychologist's client. For example, a forensic evaluator serves the trier of fact. The psychologist's conclusions may not help the individual's position in court.

The psychologist who assesses a parent in conjunction with a Service Plan generated by the Division of Child and Family Services (DCFS) has as his client the Department of Social and Health Services (DSHS). Often, a condition of the evaluation is that the psychologist may only release the report to the Agency. Other parties, such as the client or his/her attorney must obtain that information from DSHS and not directly from the psychologist. In addition, once the evaluation is completed that client may not have the right to withhold the results from the party that required

the assessment. This is usually the case regardless of who pays the psychologist's fees. The court, DSHS, or the attorney may arrange for the individual who is being evaluated to cover the costs. This leads to confusion later. The client may feel that because he has paid for the assessment, he can decide what information is shared and with whom after the assessment is completed. That may not be true.

Misunderstandings can be avoided if the office policy statement includes the following information:

- ◆ A statement that describes the *limits* of confidentiality.
- ◆ Inform the client that because the information will be shared with others he may chose not to answer certain questions.
- ◆ Who is responsible for the fees?
- ◆ Who will receive the results of the evaluation?
- ◆ A statement that the results of the assessment may be harmful to the client or to their position in court, or with regard to employment.

Even though regulation does not specifically address the requirements of third-party evaluations, the wise psychologist will avoid misunderstandings later by making this information available in writing at the outset.

It is important to clarify what you will be doing, who will pay for the evaluation, who will have access to the information, and who is the client. The following are some ideas for an office policy statement that you might have a parent review prior to a custody evaluation.

It is helpful if you describe the procedures you will use as specifically as possible and clarify how you will bill for your time. For example, do rates vary

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## **Avoid A Licensing Complaint! Written Office Policy: You Probably Need More Than One**

*(Continued from Page 3)*

depending on the task you are doing? Do you bill for travel time? The clearer the understanding is with the client before you begin, the less likely you are to have a complaint filed later.

Remember that this is just a sample. Each psychologist will want to tailor the office policy to his or her practice. This is part of the information that you would share in addition to the things you include routinely, such as: how you handle missed appointments; late cancellations; unpaid balances on the account; the phone number for the Board of Psychology Examiners; and the release of confidential information in cases of suspected child abuse; suicide or threatened harm to others.

### **Sample Inserts For Custody Evaluation**

#### **Function of the Evaluating Psychologist**

You have been referred by the court or by your attorney for an evaluation related to a legal issue. My role as a psychologist is to provide information and or recommendations to assist the trier of fact (the judge or the jury). The conclusions, the recommendations, or some other aspect of the evaluation may not be favorable to you and could be harmful to your legal position. I will consider the child's interests ahead of the adults' interests and the recommendations will reflect my understanding of the best interests of your child or children.

#### **Limits of Confidentiality**

You are being evaluated for forensic purposes and not for purposes of health care. The privacy protection of the Health Insurance Portability and Accountability Act (HIPPA) does not apply. The results of the psychological testing along with the other information collected during this assessment through interview, collateral contacts, or document review will be shared with the relevant attorneys and the court. If I ask you questions that you prefer not to

answer for any reason, you may decline to respond. You may also omit any items on the written materials to which you would rather not reply. Remember that anything that you say or write during the evaluation may be included in the final report or quoted in court.

#### **Fee**

The fees are \_\_\_\_\_ per hour. The person or agent responsible for payment is \_\_\_\_\_. The total cost of the assessment will be between \_\_\_\_\_ and \_\_\_\_\_. This includes interviews, testing, scoring, reviewing court records and documents, contacting collateral sources and preparing a written report. It does not include testimony or attorney consultation after the report is released. The party who requests a court appearance or consultation is responsible for the fees. The fee for testimony or deposition is \_\_\_\_\_.

#### **Insurance**

Medical plans do not usually cover evaluation related to legal questions. Check with your insurance company for specific information regarding your policy. This office does not bill insurance companies for forensic evaluations.

#### **Request For Model Office Policy Statements**

The Board would like to publish additional articles to help psychologists prepare clear and informative office policy statements. Each office has a form that describes the individual's rights and psychologist's responsibilities prior to beginning individual psychotherapy, but many psychologists also have tailored variations of the basic office policy statement for specific kinds of psychological work that fall outside of the individual therapy parameters. For example, some therapists have a slightly different format for work with

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## Avoid A Licensing Complaint! Written Office Policy: You Probably Need More Than One

(Continued from Page 4)

couples, for group therapy, for consultation or for evaluation. Please share a copy of any office policies\* that you have generated for special purposes. Let us know if you are willing to have portions of your policy statement published as an example. We welcome your feedback on this and other office policy statements. Thank you for your help.

*\*Once submitted, they become the property of the Department of Health and are subject to public disclosure. You may want to remove your name, address, phone number and any other identifying information prior to sending to the Board.*

Send these sample policies to:

Janice Boden  
Examining Board of Psychology  
PO Box 47869  
Olympia, WA 98504-7869. ◀

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## Record Keeping Rule Proposal

Dean Funabiki, Ph.D.  
Chair, Technical  
Support/Records  
Retention Committee

**Introduction.** The Board receives many requests for guidance concerning how long patient psychotherapy records need to be kept. There have also been questions about what to do with these files in the event of retirement, death, relocation of practice, and the like. The Board's Technical Support/Records Retention Committee has been working to improve on the current situation.

In the Spring 2002 edition of this Newsletter, we noted that specific guidelines are lacking, and we issued a call for feedback on a number of questions, such as, "Should standards be adopted for records retention?" "If so, for how long?" and, "What should happen to records upon retirement or death?"

We received a good deal of feedback and suggestions. Eventually, this resulted in a proposed modification and addition to WAC 246-924-354 (Maintenance and retention of records.) That proposal was published in the Winter 2002 Newsletter. At that time, we invited feedback on the proposal, including how the public and psychologists viewed the overall cost/benefit should the proposal be adopted into law.

**Feedback and Response.** The Board appreciates the feedback that we received. Though there was by no means a unanimous response, by and large, the feedback was positive and constructive. Psychologists conveyed that the proposal would be beneficial and that the term limits seemed reasonable and in line with other states having retention laws.

Some noted that there would be considerable cost savings by not needing to physically store a lifetime of patient files for long periods of time. Some expressed a concern about the cost to maintain records during the retention periods. Several psychologists raised very important points that we were able to respond to by incorporating their suggestions as modifications to the proposal.

It was pointed out that the seven-year retention period was one year short of the important statute of limitations in Washington. Thus, it was possible that a lawsuit could be filed the eighth year after therapy ended, and both the psychologist and public would not be adequately served because the file could have been legally destroyed at the end of the seven years. This point was well-taken; therefore, the proposal has been

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## Record Keeping Rule Proposal

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modified to incorporate an eight-year retention period to coincide with the applicable statute of limitations.

The proposal includes a requirement that psychologists prepare a written policy as to how the records would be maintained in the event of retirement and other changes to the status of the psychologist. Further, the written request would be made available to the Board within ten days. We received feedback that a longer period of time was desired, especially since, when a written request is made by the Board, it is possible that psychologist might be on vacation or an extended stay away from the practice. Therefore, the proposal was modified to allow 60 days to respond to the Board's request.

Finally, the proposal clarified that the records should be kept for specific retention periods after the last *professional* contact with the patient. Someone expressed the concern that *any* kind of contact with the patient, such as seeing the person at the grocery store or in some other context, would potentially reset the retention time clock.

One or two psychologists felt that there should be no retention regulations, and further, that the proposed retention periods were much too long, especially in the case of minors, where the record should be retained until the age of 22 (or for seven years from the age of the minor, whichever is longer).

**Minimum Retention Periods.** It is important to note that the proposed WAC only establishes *minimum* requirements for retaining patient records. Any psychologist may deem it prudent to keep records for far longer than this proposed minimum. One psychologist conveyed that his attorney recommended keeping everything forever, and then wondered—tongue in cheek—if 100 years after death would be enough. The

same psychologist made the point that patients are free to retain their own copies of the record if they think it is in their interest to do so, and that, “Our only responsibility should be to clearly inform them about our policies and the issues involved so they can make their own, informed decisions.”

**The Current Proposed WAC.** Here is the proposed WAC in its entirety. As in the past, we invite your comments to the proposal. Comments should be addressed to Ms. Janice Boden, Program Manager, at the address listed elsewhere in this Newsletter. My thanks go to the other members of this Committee, Dr. Patricia Hanson and Mr. Ray L. Harry (Public Member).

**WAC 246-924-354 Maintenance and retention of records.** (1) The psychologist rendering professional services to a client or clients or rendering services billed to a third party payor, shall document services except as provided in (g) of this subsection. That documentation shall include:

- (a) The presenting problem(s), purpose or diagnosis;
- (b) The fee arrangement;
- (c) The date and service provided;
- (d) A copy of all tests and evaluative reports prepared;
- (e) Notation and results of formal consults including information obtained from other persons or agencies through a release of information;
- (f) Progress notes reflecting on-going treatment and current status; and
- (g) If a client requests that no treatment records be kept and the psychologist agrees to the request, the request must be in writing; however the following must be retained:

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## Record Keeping Rule Proposal

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| <p>Identity of the recipient of the services;</p> <p>(ii) Service dates and fees;</p> <p>(iii) Description of services;</p> <p>(iv) Written request that no records be kept; and</p> <p>(v) The psychologist shall not agree to the request if maintaining records is required by other state or federal law.</p> <p>(2) All records must be retained for a minimum of eight years following the last professional contact with the client(s). In the case of minors under the age of 18, the records must be retained until the client reaches the age of 22 or for eight years, whichever is longer.</p> <p>(3) Within this eight-year period all records must be maintained safely with proper limited access and in accordance with any other applicable state or federal laws. The psychologist rendering services must have a written policy to ensure the maintenance and confidentiality of the client records in the event of retirement, discontinuation of practice or employment, discontinua-</p> | <p>tion of practice in the state of Washington, or inability to maintain practice or employment (e.g., illness or death of the psychologist).</p> <p>This written policy must be made available to the board, upon written request, within sixty (60) days. The written policy shall specify:</p> <p>(a) A qualified person(s) or, if appropriate, hospital, clinic or other health care facility, to make necessary clinically-relevant referrals if the psychologist is unable to do so;</p> <p>(b) A plan for fulfilling record requests described under subsection (3) above; and,</p> <p>(c) that the subsequent record holder maintain records in accordance with any other applicable state or federal laws or rules.</p> <p>(4) In the case of psychological or neuropsychological evaluations, tests, or assessments, the psychologist may exercise clinical judgment in determining whether or not to retain specific records beyond the minimum retention period specified in subsection (2) above. ◀</p> |
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## Thank you!

The individuals listed below have provided their time and expertise to serve as pro-tem board members. Many have served not only as examiners for the oral examination, but also have provided valuable input into revising and standardizing the examination. Several individuals have also generously

given their time to assist with disciplinary cases and to participate as hearing panel members.

The Board wishes to express its gratitude to these psychologists and to those in the past who have assisted the Board, and the citizens of Washington in this manner.

Joseph Barber, Ph.D.  
Edward Beaty, Ph.D.  
Debra Brown, Ph.D.  
Gregory Charboneau, Psy.D.  
Thomas Danner, Ph.D.  
Melissa Dannelet, Psy.D.  
Jeanne Fleming, Ph.D.  
John Forbes, Ph.D.  
Frank Hamilton, Ph.D.  
Nancy Heilman, Ph.D.

Miles Hohenegger, Ph.D.  
Frederick Kemp, Ph.D.  
Alan Kent, Ph.D.  
Sheldon Kleine, Ph.D.  
Thomas Land, Psy.D.  
Clark Martin, Ph.D.  
R. Thomas McKnight, Ph.D.  
Michael Miller, Ph.D.  
Henry Montgomery, Ph.D.  
Douglas Park, Ph.D.

James Tracy, Ph.D.  
Tom Wall, Ph.D.  
Edward W. Vein, Psy.D.  
Arthur D. Williams, Ph.D.  
Constance Umphred, Ph.D.  
Allen Traywick, Ph.D.  
Lorna Wilturner, Ph.D.  
Thomas E. Land, Psy.D.  
Christopher Martell, Ph.D. ◀

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## Newly Licensed Psychologists

The Board would like to congratulate and welcome these new psychologists recently licensed to practice in Washington State.

### July 2002:

Brenda Cholerton, Ph.D.  
Kathleen A. Lehman, Ph.D.

### January 2003:

Jolene E. Bolton, Psy.D.  
Leslie G. Brost, Psy.D.  
Samantha S. Chandler,  
Psy.D.  
Jocelyn Chen, Ph.D.  
Jon Christensen, Ph.D.  
Ann Clark, Ph.D.  
Diedra L. Clay, Psy.D.  
Leslie G. Cohn, Ph.D.  
Holly R. Coryell, Ph.D.  
Christen C. Daniels, Ph.D.  
Jason D. Dunham, Ph.D.  
Joyce Everhart, Ph.D.  
Moiria P. Fitzpatrick, Ph.D.  
William T. Gibson, Ph.D.  
Thomas F. Handlan, Ph.D.  
Jill Hangen, Psy.D.  
Julie Harper, Psy.D.  
Susan A. Hawkins, Psy.D.  
Amy Heard-Davison, Ph.D.  
Mary Hendrickson, Ph.D.  
Ruth E. Hilsman, Ph.D.  
Jan G. Johnson, Ph.D.  
Marylouise Jones, Ph.D.  
Karen M. Jordan, Ph.D.  
Anne L. Kanters, Ph.D.  
Carol A. Lewis, Ph.D.  
Elizabeth P. MacKenzie,  
Ph.D.  
Len D. McCoy, Psy.D.  
Rachael T. McDougall,  
Psy.D.  
Bonnie A. McGregor, Ph.D.  
Susan K. Oerkvitz, Ph.D.  
Nina Parker-Cohen, Ph.D.  
Amy K. Prezbindowski, Ph.D.

Gregory S. Ranlett, Ph.D.  
Gayle M. Robbins, Ph.D.  
Anthony M. Rizzo, Ph.D.  
Jennifer F. Schultz, Ph.D.  
Shirley K. Shen, Ph.D.  
Elizabeth F. Sherman, Ph.D.  
Gregory T. Smith, Ph.D.  
Paul B. Spizman, Ph.D.  
Trevor D. Travers, Ph.D.  
Aaron P. Turner, Ph.D.  
Margo Wade Walsh, Ph.D.  
G. Stennis Watson, Ph.D.

### July 2003:

Patricia A. Alexander, Ph.D.  
Jennifer H. Antony, Ph.D.  
Margaret H. Anderson, Psy.D.  
Sylvie Aubin, Ph.D.  
James A. Basile, Ph.D.  
Caleb E. Burns, Ph.D.  
John W. Davison, Ph.D.  
M. O'Donnell Day, Ph.D.  
Carole A. DeMarco, Ph.D.  
Bruce F. Dykeman, Ph.D.  
Maria A. Gartstein, Ph.D.  
Thomas Genthe, Ph.D.  
Sarah M. Groen-Colyn, Ph.D.  
Linda L. Higley, Ph.D.  
Nancy Hillel, Psy.D.  
Jodi L. Howell, Ph.D.  
Sally A. Kennedy, Ph.D.  
Leslie S. Kinder, Ph.D.  
Frances Kristine Ketz, Ph.D.  
Steven Koffman, Ph.D.  
Ellen K. Lin, Ph.D.  
Keith I. Linn, Psy.D.  
Jeffery L. Lucas, Psy.D.  
Steven A. Macuk, Ph.D.  
James J. Mazza, Ph.D.  
Barbara Shelly Morgan,  
Psy.D.

Jeremiah P. Norris, Psy.D.  
Linda Noval, Psy.D.  
Richard M. Ostrom, Psy.D.  
Karen Ann Pauly, Psy.D.  
Lisa Jeanne Roberts, Ph.D.  
Erica Rubin, Psy.D.  
Susan Kaye Sanders, Ph.D.  
Meredith M. Sargent, Ph.D.  
Leslie A. Savage, Psy.D.  
Karen K. Shelton, Ph.D.  
Scott A. Stage, Ph.D.  
Elizabeth S. Stroup, Ph.D.  
Tisha L. Taylor, Psy.D.  
Leihua Van Schoiack Edstrom,  
Ph.D.  
Joy Rebecca White, Ph.D.  
Joan Woods, Ph.D.

### September 2003:

Brady C. Bates, Ph.D.  
Francis Kristine Ketz, Ph.D.  
Elizabeth Letsch, Ph.D.

### October 2003:

Katherine S. Quie, Ph.D. ◀



To ensure receipt of your annual renewal notice and other timely information, please keep the Washington State Examining Board of Psychology informed of any change in your address/telephone number.

## Address/Telephone Number Change Form

*(Please type or print in ink)*

License # \_\_\_\_\_

Name \_\_\_\_\_

Old Address \_\_\_\_\_

\_\_\_\_\_

New Address \_\_\_\_\_

\_\_\_\_\_

New Telephone Number (      ) \_\_\_\_\_

Effective Date \_\_\_\_\_ Signature \_\_\_\_\_

A licensee's address is not open to public disclosure except under circumstances defined in law, RCW 42.17. The address the Board has on file for you is used for all mailings, renewal notification and public disclosure.

Send completed form to the Board office:

HEALTH PROFESSIONS QUALITY ASSURANCE  
CUSTOMER SERVICE CENTER  
P.O. BOX 47865  
OLYMPIA WA 98504-7865 ◀

Fold Here

First  
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**Health Professions Quality Assurance**  
**Customer Service Center**  
**P.O. Box 47865**  
**Olympia, WA 98504-7865**

Fold Here

Tape Here

## Examining Board of Psychology

Dean Funabiki, Ph.D., Chair  
Ray L. Harry, Public Member, Vice Chair  
Patricia Hanson, Psy.D.  
Gloria Rose Koepping, Ph.D.  
Juan/John Ramirez, Ph.D.  
Lisa Richesson, Public Member  
Elizabeth Robinson, Ph.D.  
Jorge Torres-Sañez, Ph.D.  
Douglas Uhl, Psy.D.

## Department of Health Staff

Bob Nicoloff, Executive Director  
Janice K. Boden, Program Manager  
Kathy Devine, Administrative Assistant

## Street Address

Department of Health  
Examining Board of Psychology  
310 Israel Road S.E.  
Tumwater, WA 98501-7869

## Mailing Address

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Examining Board of Psychology  
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Olympia, WA 98504-7869

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[kathy.devine@doh.wa.gov](mailto:kathy.devine@doh.wa.gov)

## Phone/Fax

360/236-4910 Telephone  
360/236-4909 Fax

## Board Meeting Dates for 2003

October 17, 2003  
December 12, 2003

## Examination Dates for 2004

Oral examinations:  
January 9-10, 2004  
March 26-27, 2004  
September 10-11, 2004 ◀



## **Examining Board of Psychology**

**Department of Health**

**310 Israel Road SE**

**Tumwater, WA 98501**

**P.O. Box 47869**

**Olympia, WA 98504-7869**

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**Email: [janice.boden@doh.wa.gov](mailto:janice.boden@doh.wa.gov)**

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